IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10527 OF 2004

Digambar Vishwanath Kanlod .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Mr.R.K. Mendadkar with Mr.V.A. Madane for the Petitioner.

Ms.Pratibha Mehta i/b Little & Co. for Respondent No.2.

CORAM : H.L. GOKHALE &
S.P. KUKDAY, JJ.

DATE : 10TH JUNE 2005

P.C. :

1. Rule. By consent, Rule is made returnable forthwith.

2. Heard Mr.Mendadkar for the Petitioner and Mr.Sonawane, A.G.P. for Respondents Nos.1 and 3. Ms.Mehta appears for Respondent No.2.

3. The only grievance of the Petitioner is that his result be declared. He joined the D.Ed. Course in the

reserved category of Schedule Tribe (Mannervarlu). He cleared his first year examination and had now, as stated in the petition, appeared for the second and the final examinations of D.Ed. in October 2003. That result is not being declared since the Petitioner has not obtained the validity certificate.

3. Mr.Mendadkar, learned counsel for the Petitioner, has drawn our attention to an order passed by another Division Bench in Writ Petition No.10678 of 2004 decided on 17th March 2005. The facts of that case were identical and the students concerned had appeared for this very examination and their results were not being declared for want of the certificate. The Division Bench has allowed that petition by directing Respondent No.2 to declare the result within 2 weeks from the date of that order. That was however subject to the condition that the Petitioners will not be entitled to any benefit of the Scheduled Tribe status until the caste claim was duly verified by the Competent Caste Verification Committee.

4. In the facts of the present case, we pass the same order. Respondent No.2 is directed to declare the results of the Petitioner within 2 weeks from today and, in any case, by end of June 2005. The Petitioner will

not be entitled to the benefit of this Schedule Tribe status until the claim for his tribe is duly verified by the Competent Caste Verification Committee.

5. Rule is made absolute as above.

(H.L. GOKHALE, J.)

(S.P. KUKDAY, J.)